

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Douglas D. Sjostrom
Serial No. : 10/015,778
Filed : December 17, 2001
Title : CUTTING INSTRUMENT

Art Unit : 3734
Examiner : Vi X Nguyen
Confirmation No.: 4406
Notice of Allowance Date: September 19, 2008

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF ALLOWANCE

In response to the Notice of Allowance mailed September 19, 2008, enclosed is a completed issue fee transmittal form PTOL-85b and Comments on Examiner's Reasons for Allowance. The amount of \$1810 for the required issue fee and publication fees is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any additional charges or credits to our Deposit Account No. 06-1050.

Respectfully submitted,

Date: 12/17/2008



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COMMENTS ON EXAMINER'S REASONS FOR ALLOWANCE

Applicant note the following instances where the Examiner's Reasons for Allowance do not match the claim language, and assert that the claims are allowable as currently pending.

Independent claims 25, 59, 65, and 88 recite “an outer member having an opening at least partially bounded by a sharp cutting edge,” and not “an outer member has an opening bounded by a sharp cutting edge,” as characterized by the Examiner.

Independent claim 59 recites “the helical knife being arranged relative to the cutting edge such that portions of the helical knife and the cutting edge align in a plane substantially perpendicular to a longitudinal axis of the instrument to create the shearing therebetween,” and not “where the helical knife edge is arranged relative to the cutting edge such that the edges align in a plane substantially perpendicular to a longitudinal axis of the instrument to create a shearing action therebetween,” as characterized by the Examiner.

Independent claim 65 does not recite “where the helical knife has a flat surface at a distal end of the helical knife,” or “where the helical knife edge is arranged relative to the cutting edge such that the edges align in a plane substantially perpendicular to a longitudinal axis of the instrument to create a shearing action therebetween,” as characterized by the Examiner. In addition, allowed independent claim 65 recites “the helical knife having an edge configured to slice into tissue,” and not “the helical knife has an edge configured to slice into tough, fibrous tissue.” as characterized by the Examiner.

Independent claim 88 does not recite “the helical knife has an edge configured to slice into tough, fibrous tissue,” as characterized by the Examiner. In addition, allowed independent claim 88 recites “the helical knife being arranged relative to the cutting edge such that portions of the helical knife and the cutting edge align in a plane substantially perpendicular to a longitudinal axis of the instrument to create the shearing therebetween.” and not “where the

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helical knife edge is arranged relative to the cutting edge such that the edges align in a plane substantially perpendicular to a longitudinal axis of the instrument to create a shearing action therebetween," as characterized by the Examiner.

Independent claims 42 and 82 recite "an outer member having an opening at least partially bounded by a cutting edge," and not "an outer member has an opening bounded by a sharp cutting edge," as characterized by the Examiner.

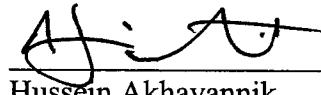
Independent claim 64 recites "an outer member having an opening at least partially bounded by a sharp cutting edge," and not "an outer member has an opening bounded by a sharp cutting edge," as characterized by the Examiner.

Moreover, it is not conceded that the stated Reasons for Allowance are the only grounds for patentability of the allowed claims, that the claim limitations excluded from the Reasons for Allowance are taught or suggested by the art of record, or that all of the limitations are necessary for patentability of the allowed claims or other claims directed to the disclosed subject matter. Additionally, each allowed claim stands on its own.

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